IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5194 OF 2005

Vishwanath R. Nayak & Ors. ...Applicants
vs.
State of Maharashtra & Ors. ...Respondents

Mr.J.S.Kini for the Applicants
Mr.K.V.Saste, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 16,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for State. This application for anticipatory bail is filed on the basis of apprehension that the Applicants may be arrested either by Chembur Police Station Mumbai, or Vartaknagar Police Station in connection with the complaint filed by one Smt. Rajani Vishwanath Nayak alleging commission of offence under Sections 498-A read with Section 409 of I.P.C.

2. The learned A.P.P. stated that the said Smt.Rajani has submitted letters to both the police stations making allegations against the Applicants. However, F.I.R. is not registered by both the police stations till today. On instructions of the concerned Officer of Chembur Police Station, the learned A.P.P. stated that in the event the said Police Station desires to arrest the Applicants, 72 hours notice will be given to the Applicants.

3. In view of this statement made by the learned A.P.P., it

is not necessary to grant any relief in favour of the Applicants in so far as apprehension of arrest of the Applicants by the Chembur Police station is concerned. So far as Vartaknagar Police station is concerned, it is for the Applicants to file appropriate application before the appropriate Sessions Court for anticipatory bail. To enable the Applicants to do so, limited protection deserves to be granted in favour of the Applicants.

4. Hence I pass the following order:

i) If the concerned Officer of the Chembur Police Station, Mumbai desires to arrest the Applicants in connection with the complaint filed by the said Smt.Rajani, 72 hours advance notice will be given to the Applicants.

ii) So far as apprehended arrest at the hands of Vartaknagar Police Station, Thane is concerned, it will be open for the Applicants to file appropriate application before the appropriate Sessions Court. To enable the applicants to do so, they shall not be arrested in connection with the complaint filed by Smt.Rajani with Vartaknagar Police Station, Thane for a period of one week from today subject to condition that the applicants will attend the said police station as and when called upon to do so and the applicants will co-operate for the purpose of investigation. If such application is made by the Applicants, the concerned Sessions Court will decide

the same in accordance with law without being influenced by grant of limited protection by this Court.

JUDGE